

HOUSE BILL REPORT

2SSB 5041

As Reported by House Committee On:
Judiciary

Title: An act relating to discretionary weapons enhancements for sentence ranges.

Brief Description: Revising deadly weapon and firearm sentence range enhancements.

Brief History:

Committee Activity:

Judiciary: 3/29/05, 3/31/05 [DP].

Brief Summary of Second Substitute Bill

- Provides a discretionary range, instead of a fixed term, for the sentence enhancements that apply to felonies committed while armed with a firearm or with another deadly weapon.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 6 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Kirby, Springer and Wood.

Minority Report: Do not pass. Signed by 4 members: Representatives Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell and Serben.

Staff: Bill Perry (786-7123).

Background:

Felony crimes are generally classified as A, B, or C felonies. Classification of a felony determines the maximum sentence that can be imposed. The maximum sentence for a class A felony is life, for a class B it is 10 years, and for a class C it is five years. Within those maximums, the Sentencing Reform Act (SRA) determines what sentence will actually be imposed.

The SRA is generally a presumptive and determinate felony sentencing system. This system is designed so that sentences will generally fall within a relatively narrow range for each offense. That is, there is a presumptive sentence range for a given offense and offender. The SRA also generally provides for sentencing to a fixed term so that it will be known with relative certainty at the time of sentencing how long an offender will be in prison. That is, the sentence is determinate.

The SRA's sentence ranges are set out in statutory grids. It is presumed that most sentences will fall within the prescribed ranges. A sentencing range is determined by two factors. These factors are an offender's prior criminal history and the seriousness of the current offense for which he or she is being sentenced. On the statutory grid, the presumptive range is determined by the intersection of the offender's history "score" and the seriousness level "ranking" of the current offense. An offender's score is determined by past convictions. Most felonies are ranked in a table within the SRA.

An exceptional sentence above or below a range is possible in some cases if there are aggravating or mitigating circumstances. An offender may also be eligible in some instances for "earned early release" before the end of an imposed sentence.

The SRA also provides for adjustments of sentences based on certain factors. For instance, a sentence will be enhanced if the offender was armed with a firearm or with another deadly weapon. A sentence enhancement for being armed is mandatory and must be served consecutively to the underlying sentence and to any other enhancements. The portion of a sentence represented by a weapons enhancement is not eligible for earned early release reduction.

The enhancements for being armed with a firearm are longer than the enhancements for being armed with another deadly weapon. In either case, however, the length of the enhancement increases with the classification of the crime of conviction. Also in either case, the lengths of any enhancement is doubled if the offender has previously had a sentence enhanced for being armed.

For being armed with a firearm, the enhancements are as follows:

- five years for a class A felony;
- three years for a class B felony; and
- 18 months for a class C felony.

For being armed with a deadly weapon other than a firearm, the enhancements are as follows:

- two years for a class A felony;
- one year for a class B felony; and
- six months for a class C felony.

Summary of Bill:

The fixed length of the sentence enhancements for being armed while committing a felony are replaced with ranges.

For being armed with a firearm, the enhancements are as follows:

- four to six years for a class A felony;
- two to four years for a class B felony; and
- nine to 27 months for a class C felony.

For being armed with a deadly weapon other than a firearm, the enhancements are as follows:

- one to three years for a class A felony;
 - six to 18 months for a class B felony; and
 - three to nine months for a class C felony.
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Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.